**VIRGINIA:** 



## IN THE CIRCUIT COURT FOR THE CITY OF CHARLOTTESVILLE

IN THE MATTER OF LARRY LYNN MILLER, Suspended VSB DOCKET NO. 21-070-121038 Civil Action No. CL20 - 595

## ORDER FOR THE APPOINTMENT OF RECEIVER PURSUANT TO SECTION 54.1-3900.01 OF THE VIRGINIA CODE

THIS MATTER came on to be heard this day upon the Petition of the Virginia State Bar, by Assistant Bar Counsel, Prescott L. Prince, Esquire, requesting the appointment of a receiver for the law practice of Larry Lynn Miller, in accordance with the provisions of §54.1-3900.01 of the Virginia Code; and

IT APPEARING TO THE COURT that the Virginia State Bar attempted in good faith to serve the said Petition, with its exhibits and affidavits upon said Larry Lynn Miller, in accordance with statute; and

IT FURTHER APPEARING TO THE COURT, upon the Petition and exhibits presented and the argument of counsel, that there is reasonable cause to believe that Mr. Miller was a member of the Virginia State Bar, licensed to practice law in the Commonwealth; that he maintained an office for the practice of law in the City of Charlottesville, to-wit: 485 Hillsdale Drive, Jordan Bldg., Ste 341, Charlottesville, VA 22901; that he is unable or unwilling to discharge his responsibilities to the his clients, deceased and that there is no one available to properly discharge his responsibilities to his clients; and

IT FURTHER APPEARING TO THE COURT, and the Court finds from the evidence presented that the Virginia State Bar's Verified Petition for Appointment of Receiver pursuant to

- §54.1-3900.01 of the Virginia Code is appropriate and should be granted; it is therefore ADJUDGED, ORDERED and DECREED that:
- 1. Christian Keith Vogel, Esquire, a discreet and competent attorney at law, whose office address is Vogel & Cromwell, 513 Forest Avenue, Ste 205, Richmond, VA 23229, be and hereby is, APPOINTED to serve until further order of this Court as Receiver of Mr. Miller's law practice pursuant to and in accordance with the provisions of §54.1-3900.01 of the Virginia Code. Mr. Vogel shall take such actions and preform those duties specified in §54.1-3900.01(C) of the Virginia Code, the provisions of which are hereby incorporated herein by reference, and specifically, Mr. Miller shall:
  - a. Prepare and file with the Virginia State Bar an inventory of all case files under
     Mr. Miller's and Mr. Miller's law practice's control; and
  - b. Notify all of Mr. Miller's clients of the Receiver's appointment and take whatever action is indicated to protect the clients' interests; and
  - c. Identify and take control of all bank accounts (trust and operating accounts) over which Mr. Miller and the law practice of Mr. Miller had signatory control; and
  - d. Prepare and submit an accounting of receipts and disbursements and account balances of all funds under the Receiver's control; and
  - e. Attempt to collect any accounts receivable relating to Mr. Miller's law practice; and
  - f. Identify and attempt to recover any assets wrongfully diverted from Mr. Miller's law practice; and
  - g. Terminate Mr. Miller's law practice; and
  - h. Reduce to cash all assets of Mr. Miller's law practice; and

- Determine the nature and amount of all creditors' claims, including clients, of Mr.
   Miller's law practice; and
- j. Prepare and file with the Court a report of such assets and claims and propose a distribution to creditors; and
- Take all other necessary and proper actions pursuant to Section 54.1-3900.01 of
   the Virginia Code to protect the interests of Mr. Miller's clients.
- 2. The said Receiver shall post a bond with the Clerk of this Court in the amount of <u>Fifteen</u>

  Thousand Dollars (\$15,000), with surety.
- 3. The said Receiver is hereby authorized to enter into the offices, premises, or storage facilities of Mr. Miller, wherein the files, equipment and other property of the law practice of Mr. Miller may be stored or maintained, for the purposes of inspecting, copying, preparing inventories, or to carry out any of the duties prescribed by §54.1-3900.01(C) of the Virginia Code. Any agent, guardian or other representative of Mr. Miller is hereby directed to permit the Receiver access to the said premises and to any facility under his control or direction wherein the said files, equipment and property may be or hereafter may be located or relocated, and is further directed to turn over to the Receiver all files and property belonging to any clients of Mr. Miller and/or Mr. Miller's law practice.
- 4. In accordance with the provisions of §54.1-3900.01(C)(iv) of the Virginia Code, the said Receiver shall file an initial accounting and report to this Court within 60 days of the date of this Order; and it is further

ADJUDGED, ORDERED and DECREED that a certified copy of this Order be served upon Larry Lynn Miller at Mr. Miller's last known address of record with the Virginia State Bar,

and that a certified copy of this Order be provided to Prescott L. Prince, Assistant Bar Counsel, and to the said Receiver.

ENTERED this 9th day of Novamber, 2020.

July Judge

I ASK FOR THIS:

Prescott L. Prince, Esquire Assistant Bar Counsel

Virginia State Bar No. 23077

Virginia State Bar

1111 E. Main Street, Suite 700

Richmond, Virginia 23219

Phone: 804-775-9408

Fax: 804-775-0597

prince@vsb.org

Seen:

Christian Keith Vogel, Receiver

Virginia State Bar No. 75537

Vogel & Cromwell

513 Forest Avenue, Ste 205

Richmond, VA 23229

Phone: (804) 728-1575

Fax: (804) 728-1625

kvogel@vogelandcromwell.com

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